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18 UNITED STATES DISTRICT COURT
19 SOUTHERN DISTRICT OF CALIFORNIA

20 IN RE: MIDLAND CREDIT
21 MANAGEMENT, INC.,
22 TELEPHONE CONSUMER
PROTECTION ACT LITIGATION.

Case No. 11-md-2286 MMA (MDD)

Member Cases: 10-cv-02261
10-cv-02600
10-cv-02368
10-cv-02370

**JOINT MOTION TO CONTINUE
DEADLINES IN AMENDED CASE
MANAGEMENT ORDER RE:
DISCOVERY THROUGH FILING
OF CLASS CERTIFICATION
MOTION**

1 Since commencing the mediation process in March, 2013 with Judge Herbert
2 Hoffman, the Parties have requested several continuances of the Court's scheduling
3 dates, due to the process taking longer than first anticipated. This request to
4 continue the existing dates should be the last such request, but necessary because
5 the continued dates are approaching. The below chronology was previously
6 submitted to the Court in prior requests but repeated herein for the Court's
7 reference.

8 On March 14, 2013, the parties participated in a mediation with Judge
9 Herbert B. Hoffman (Ret.). Although the parties did not reach a settlement, the
10 parties made progress and scheduled another mediation with Judge Hoffman on
11 April 16, 2013.

12 On March 22, 2013, the parties filed a Joint Motion to Vacate Deadlines and
13 Set a Case Management Conference. (Doc. No. 56.) The parties requested that the
14 dates be vacated because the current case management order did not allow
15 sufficient time for the parties to complete the mediation process.

16 On March 25, 2013, the Court issued an Amended Case Management Order
17 Re: Discovery Through Filing of Class Certification Motion, setting a telephonic
18 case management conference for three days after the anticipated mediation, April
19 19, 2013 and continuing the various dates in the case management order. (Doc. No.
20 55.)

21 On April 8, 2013, Defendant Encore Capital Group ("Encore") announced
22 that its board of directors had elected Ken Veccione to succeed Brandon Black as
23 the company's chief executive officer. As a result, shortly thereafter the parties and
24 Judge Hoffman agreed to continue the mediation scheduled for April 16, 2013 to
25 June 17, 2013 so as to allow sufficient time for Encore to transition leadership
26 responsibilities from Mr. Black to Mr. Veccione and provide Encore with an
27 opportunity to review its settlement position with the company's new leadership.

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1 In light of the mediation being continued, on April 17, 2013, the parties filed
2 a joint motion to extend the scheduling order regulating discovery through the filing
3 of class certification motion. (Doc. No. 59.) That same day, the Court issued an
4 order granting the parties' request and extending the various dates in the scheduling
5 order. (Doc. No. 58.)

6 On June 17, 2013, the parties participated in another all-day mediation
7 session with Judge Hoffman. The parties and Judge Hoffman found the mediation
8 session to be productive and mutually agreed to meet for additional session of
9 mediation on August 27, 2013.

10 On July 3, 2013, the parties filed a joint motion to extend the scheduling
11 order regulating discovery through the filing of class certification motion. (Doc.
12 No. 61.) On July 16, 2013, the Court issued an order granting the parties' request
13 and extending the various dates in the scheduling order. (Doc. No. 62.)

14 The parties met for another all-day mediation session on August 27, 2013
15 before Judge Hoffman and made significant progress. The parties agreed to meet
16 for another all-day mediation session before Judge Hoffman on October 22, 2013.

17 On September 4, 2013, the parties filed a joint motion to extend the
18 scheduling order regulating discovery through the filing of class certification
19 motion. (Doc. No. 63.) On September 18, 2013, the Court issued an order granting
20 the parties' request and extending the various dates in the scheduling order. (Doc.
21 No. 64.)

22 On December 17, 2013, the parties met for another all-day mediation session
23 before Judge Hoffman. During this session, the parties made substantial progress
24 toward settlement, and believe an agreement is close. If an additional session is
25 necessary, the parties agreed to meet for another all-day mediation session before
26 Judge Hoffman on February 28, 2014 to work out remaining terms of the
27 settlement. The parties believe that further mediation sessions beyond the
28 February 28, 2014 session will not be necessary, but reserve their right to request a

1 further continuance should they be unable to conclude the mediation prior to the
2 deadlines requested herein.

3 Accordingly, the parties respectfully request that the Court continue the dates
4 currently set in its Amended Case Management Order Re: Discovery Through
5 Filing of Class Certification Motion (Doc. No. 64) by approximately 90 days, as
6 follows:

7 1. All expert disclosures required by Fed. R. Civ. P. 26(a)(2) shall be
8 served on all parties on or before April 18, 2014. Any contradictory or rebuttal
9 disclosures within the meaning of Rule 26(a)(2)(D)(ii) shall be disclosed on or
10 before May 9, 2014.

11 2. The deadline to complete all fact and expert discovery necessary to
12 support or oppose class certification shall be continued from March 14, 2014 to
13 June 13, 2014.

14 3. The deadline to file any motion for class certification shall be
15 continued from April 11, 2014 to July 11, 2014.

16 Dated: January 8, 2014

17 By s/ William S. Boggs

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1 Dated: January 8, 2014

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